

### To the Honorable Council City of Norfolk, Virginia

February 9, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception for an eating and drinking establishment at 7550 Granby Street -

Starbucks

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

**Item Number:** 

R-14

I. Staff Recommendation: Approval

II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.

III. Request: Special Exception for an eating and drinking establishment

IV. Applicant: Starbucks

#### V. Description:

- Granting this request will allow the existing Starbucks coffeehouse at 7550 Granby Street to add alcoholic beverages to their menu.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

Staff point of contact: Sarah Richards at 664-7470, sarah.richards@norfolk.gov

#### Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance



# Planning Commission Public Hearing: <u>January 28, 2015</u>

Executive Secretary: George M. Homewood, AICP, CFM Planner: Sarah Richards SGC

Staff Report	Item No. 9	Item No. 9  7550 Granby Street, K&K Square Shopping Center Starbucks		
Address	7550 Granby Street			
Applicant	Starbucks			
Request	Special Exception	Eating and drinking establishment		
Property Owner	SAM Wards Corner	, LLC		
	Site/Space	323,607 sq. ft./2,359 sq. ft.		
	Future Land Use	Commercial		
Site Characteristics	Zoning	C-3 (Retail Center District)		
	Neighborhoods	Wards Corner		
	Character District	Suburban		
	North	C-3: Wards Corner Shopping Center		
Surrounding Area	East	C-2 (Corridor Commercial), R-8 (Single-Family Residential): strip shopping center, single-family residential		
	South	R-7: single-family residential		
	West	C-2: Walgreen's		



#### A. Summary of Request

- A previous special exception was granted to permit the operation of a commercial drivethrough facility for this user.
- This special exception would allow the establishment to serve alcoholic beverages for onpremises consumption.
- Starbucks would like to start offering beer and wine to their customers in select locations, along with an expanded food menu.

#### **B. Plan Consistency**

 The proposed special exception is consistent with plaNorfolk2030, which designates this site as commercial.

#### C. Zoning Analysis

- i. General
  - The site is located in the C-3 District, which permits the proposed use by special exception.

	Proposed (Starbucks)
Hours of Operation	4:30 a.m. to 10:00 p.m., Monday through Friday 5:00 a.m. to 10:00 p.m. Saturday 5:30 a.m. to 9:00 p.m. Sunday
Hours for the Sale of Alcoholic Beverages	2:00 p.m. to 10:00 p.m., Monday through Friday 12:00 p.m. to 10:00 p.m. Saturday 12:00 p.m. to 9:00 p.m. Sunday
Capacity	39 seats indoors 24 seats outdoors 131 total capacity

### • Special Exception history:

City Council Approval	Applicant	Request
April 2012	Starbucks	<ul> <li>Commercial drive- through</li> </ul>
Pending	Starbucks	<ul> <li>Eating and Drinking Establishment</li> </ul>

#### ii. Parking

- Adding the sale of alcoholic beverages to an existing eating establishment does not require additional parking.
- The proposed establishment is not proposing an increase in occupancy or building floor area and no additional parking impacts are anticipated.

#### iii. Flood Zone

The property is located mainly in the Flood Zone X, which is a low-risk flood zone.

#### D. Transportation Impact

No new trips are forecast related to the proposed addition of alcohol sales at this existing restaurant.

#### E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

#### F. Public Schools Impacts

The site is located within the Suburban Park Elementary School, Northside Middle School, Granby High School Attendance Zones.

#### G. Environmental Impacts

The site was developed under current development standards, including current standards for landscaping and parking.

#### H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative impact on the surrounding neighborhood.
- There have been multiple calls for service to this shopping center, including larceny and robbery, and two arrests.

#### I. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### J. Civic League

The application was sent to the Wards Corner Civic League, the Suburban Acres Civic League, and the Greater Wards Corner Business Association on December 16<sup>th</sup>.

#### K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

#### L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours for the sale of alcoholic beverages shall be from 2:00 p.m. to 10:00 p.m., Monday through Friday, 12:00 p.m. to 10:00 p.m. Saturday, and 12:00 p.m. to 9:00 p.m. Sunday.
- (b) The seating for the establishment shall not exceed 39 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 131 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (I) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

#### Attachments:

**Location Map** 

**Zoning Map** 

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Wards Corner Civic League

Notice to the Greater Wards Corner Business Association

Notice to the Suburban Acres Civic League

Letter of endorsement from the Greater Wards Corner Business Association

## **Proponents and Opponents**

#### **Proponents**

Rick Henn—Representative 1400 Granby St., Unit 407 Norfolk, VA 23510

Maureen Smith—Representative 210 E. Main St. Norfolk, VA 23510

Thomas Lisk—Representative 919 E. Main St., Ste. 1300 Richmond, VA 23219

Kevin L. Sutton—Representative 1026 Silver Charm Circle Suffolk, VA 23435

#### **Opponents**

None

01/25/2016 lds

Form and Correctness Approved:

Office of the City Attorney

Contents Approved: 56 12

DEPT.

NORFOLK, VIRGINIA

# ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "STARBUCKS" ON PROPERTY LOCATED AT 7550 GRANBY STREET, SUITE 10.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Coffee House Holdings, Inc. authorizing the operation of an eating and drinking establishment named "Starbucks" on property located at 7550 Granby Street, Suite 10. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 201 feet, more or less, along the eastern line of Granby Street, 612 feet, more or less, along the southern line of East Little Creek Road, 608 feet, more or less, along the western line of Virginian Avenue, and 573 feet, more or less, along the northern line of Louisiana Drive; premises numbered 7550 Granby Street, Suite 10.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- The hours of operation for the establishment shall (a) be limited to 4:30 a.m. until 10:00 p.m. Monday through Friday, 5:00 a.m. until 10:00 p.m. on Saturday, and 5:30 a.m. until 9:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- The hours for the sale of alcoholic beverages for (b) on-premises consumption shall be limited to 2:00 p.m. until 10:00 p.m. Monday through Friday, 12:00 noon until 10:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.

- (c) The seating for the establishment shall not exceed 39 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 131 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A,"

attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- development will proposed use and (d) constructed, arranged and operated so as not to and development of interfere with the use with the in accordance neighboring property applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative

effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (4 pages)



# EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date		-			
Trade nam	e of business	Starbucks #20263			
Address of	business 755	0 Granby Street, Un	it 10, Norfolk,	VA	
Name(s) o	f business own	er(s)* <u>Coffee House</u>	e Holdings, In	C.	er.
Name(s) of	f property owne	r(s)* <u>Sam Wards C</u>	Corner, LLC		_
Daytime te	lephone numbe	er (757) <u>480-3893</u>			-1
*If busines	s or property o	wner is partnership, wner is an LLC or Co	all partners m orporation, all	ust be listed. principals must be	listed.
1. Propose Mon-Th	ed Hours of Op au <b>4:30am-9p</b> r	eration: n; Fri 4:30am–10pm	n; Sat 5am-10	pm; Sun 5:30am-	9pm
Facility Weekday F	-rom	_To		everage Sales From 2:00 pm	To <u>10:00 pm</u>
Friday F	rom	_To	Friday	From 2:00 pm	To <u>10:00 pm</u>
Saturday F	rom	_To	Saturday	From <u>12:00 pm</u>	To <u>10:00 pm</u>
Sunday F	rom	То	Sunday	From 12:00 pm	To <u>9:00 pm</u>
	ABC license a n-Premises	pplied for (check all ☐ Off-Premises (a	applicable bo additional app	xes) lication required)	
<ol> <li>Type of X□ B</li> </ol>		age applied for X□ Wine □ Mix	ed Beverage		
(Entertai	nment consists	ntertainment be prov of anything more th dication required)	vided? an one, unam X□ No	plified musician)	

# DEPARTMENT OF CITY PLANNING

# Exhibit A – Page 2 Eating and Drinking Establishment

5.		ideo games, pool tables, game boards or other types of games be provided? s (If more than 4, additional application required) X□ No
	5a.	If yes, please describe type and number of each game to be provided
6.	Will p □ Yes	atrons ever be charged to enter the establishment? X□ No
	6a.	If yes, why
	6b.	Which days of the week will there be a cover charge (circle all applicable days)?
		Monday Tuesday Wednesday Thursday Friday
		Saturday Sunday
7.	Will th □ Yes	e facility or a portion of the facility be available for private parties? X□ No
	7a.	If yes, explain
8.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?  X□ No
	8a.	If yes, explain
9.	Will th	ere ever be a minimum age limit?  X□ No

## DEPARTMENT OF CITY PLANNING

# Exhibit A – Page 3 Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:	
Note: If smoking is permitted, then floor plans must be submitted showing all necessar building requirements for such facility	у
Signature of Applicant:	
Signature:	
Name: Stephanie Meier	_
Title: Assistant Secretary of	nc

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised September, 2015)

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#### Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - o Tables/seats
  - o Restroom facilities
  - o Bar
  - o Ingress and egress
  - o Standing room

c. Number of employees

- o Outdoor seating
- o Total maximum capacity (including employees)

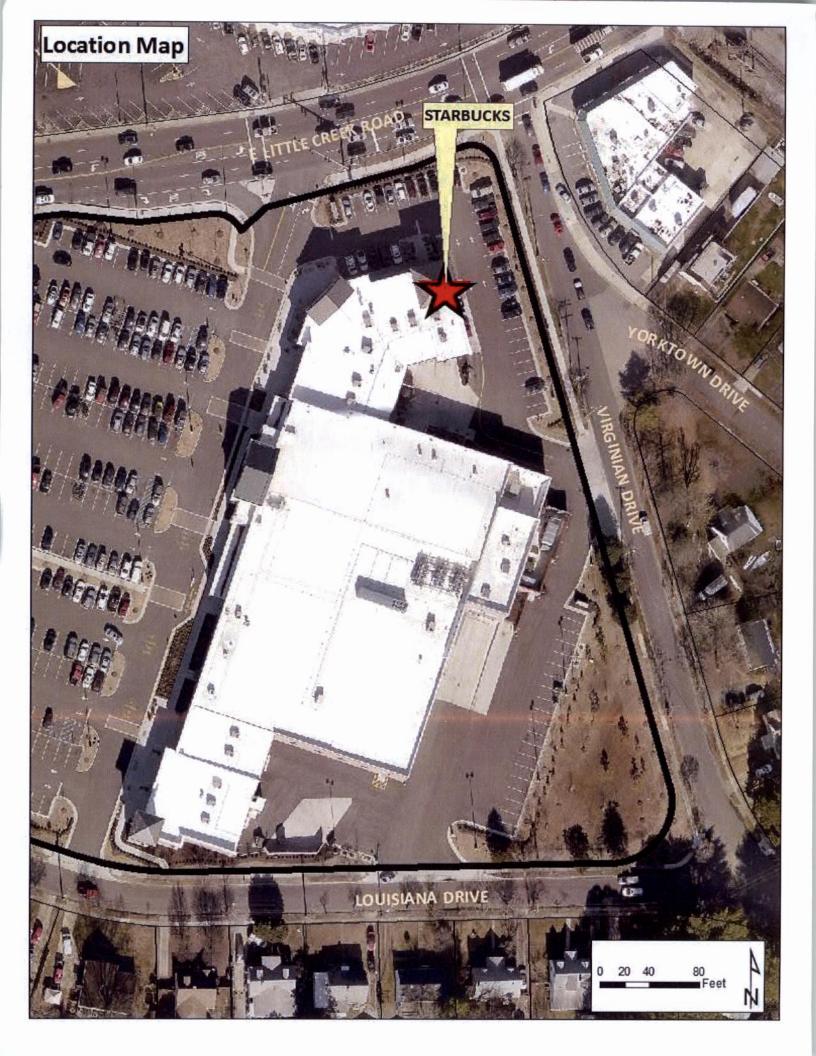
#### Total capacity

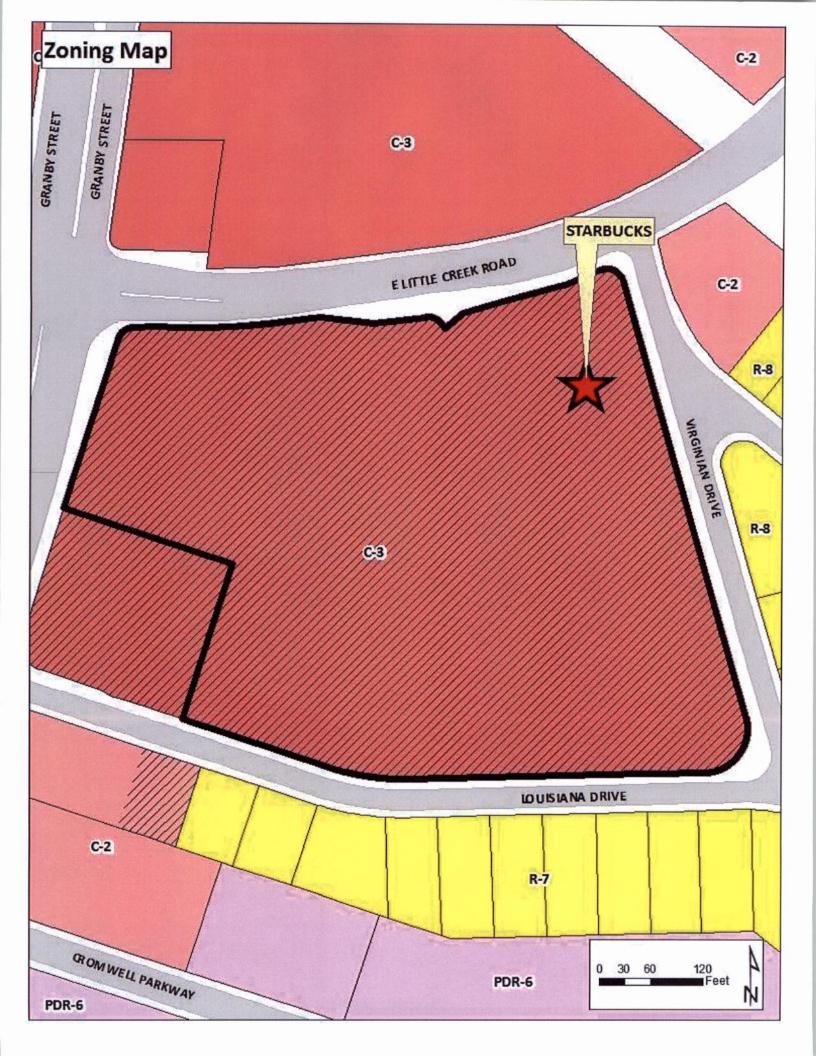
a.	Indoor Number of seats (not including bar seats)	39
	Number of bar seats	0
	Standing room	48
b.	Outdoor	
	Number of seats	_24

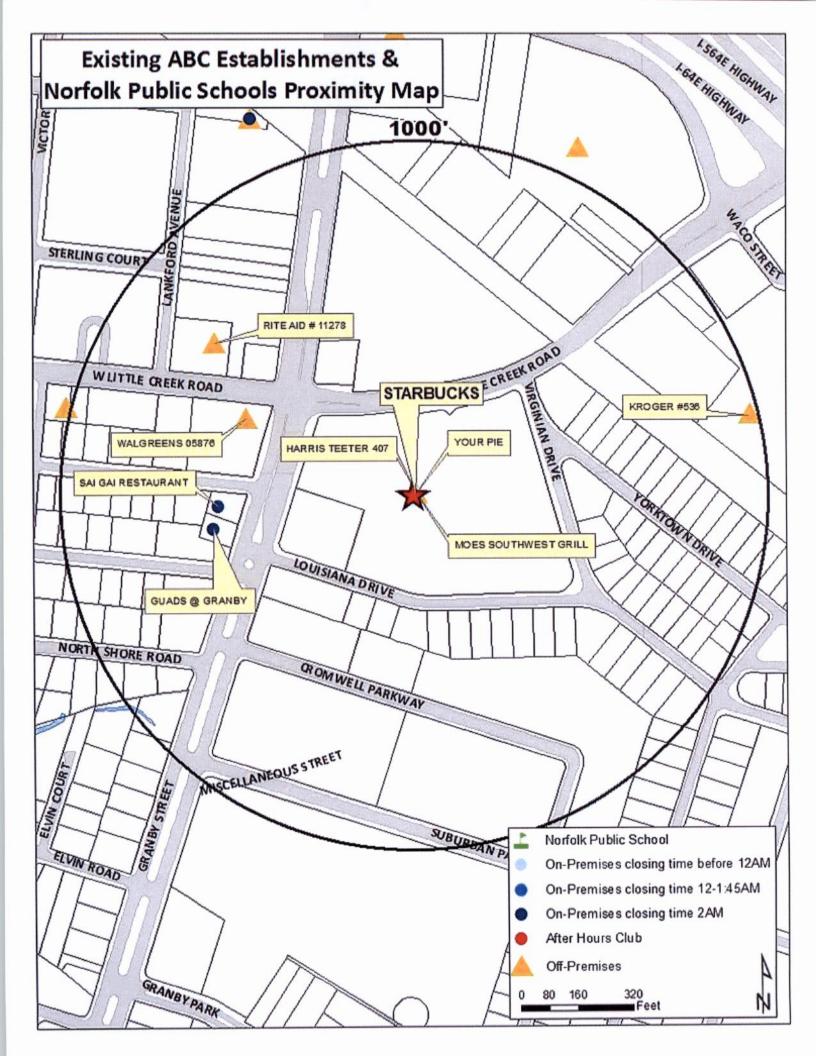
Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 131

DEPARTMENT OF CITY PLANNING

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# APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 12-4-15
DESCRIPTION OF PROPERTY
Address7550 Granby Street, Suite 10, Norfolk, VA
Existing Use of Property Starbucks Coffee
Proposed Use Starbucks #20263 with Wine & Beer On premises
Current Building Square Footage 2359
Proposed Building Square Footage 2359
Trade Name of Business (if applicable) <u>Starbucks #20263</u>
<u>APPLICANT</u> (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) _Meier (First) _Stephanie(MI) _J
Mailing address of applicant (Street/P.O. Box): Attn: Mailstop S-TAX2 License Services, P.O.Box 34442
City)Seattle(State)WA(Zip Code)98124
Daytime telephone number of applicant (206 ) <u>318-6511</u> Fax ( 206) <u>903-3583</u>
-mail address of applicant: adjover@starbucks.com

#### DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, VirgInla 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised September, 2015)

DATI I SOME INTERNATION OF THE ARREST MATTERS (MARIETINA)

Application Eating and Drinking Establishment Page 2

	AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)
	2. Name of applicant: (Last) _Lisk(First) _Tom(MI)
	Mailing address of applicant (Street/P.O. Box): SunTrust Center Ste. 1300, 919 E. Main St.
	(City)_Richmond(State)_VA(Zip Code)_23219
	Daytime telephone number of applicant (804) 788-7550 Fax (804) 689-2950
	E-mail address of applicant: tlisk@eckertseamans.com
(11	PROPERTY OWNER f property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)  SAM Wards Corner, LLC 3. Name of property owner: (Last)_Gurnee(First) _Bob(MI)(Partner)  Mailing address of property owner (Street/P.O. box):289 Independence Blvd  (City)(Virginia Beach(State)
	CIVIC LEAGUE INFORMATION
	Civic League contact:
	Date(s) contacted:
	Ward/Super Ward information:

# DEPARTMENT OF CITY PLANNING

#### Application Eating and Drinking Establishment Page 3

#### REQUIRED ATTACHMENTS

- Required application fee, \$355.00 (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)

Completed Exhibit A, Description of Operations (attached)

(Authorized Agent Signature)

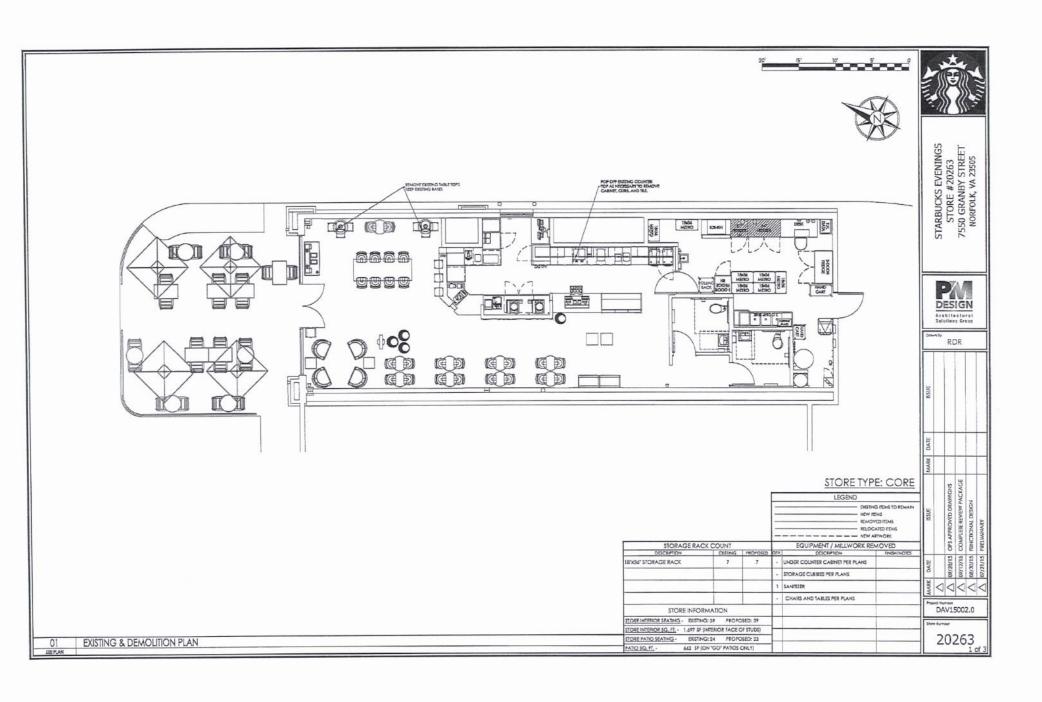
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- CERTIFICATION
  I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

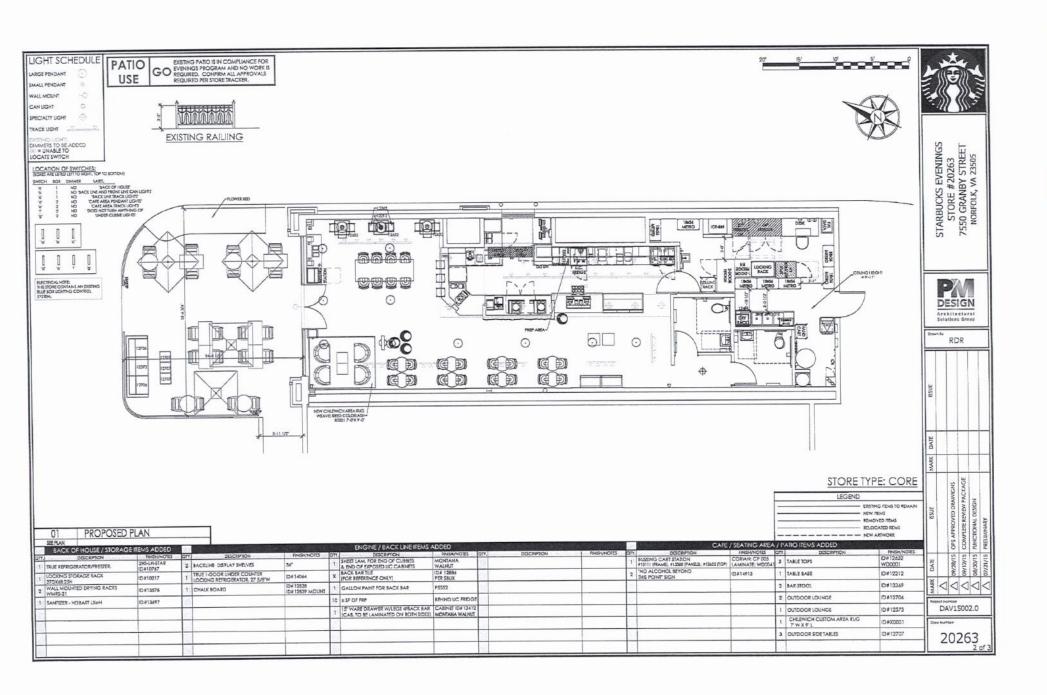
  Print name: Robert 6. Gware Sign: Sign: 121-02 / 2015 (Date)

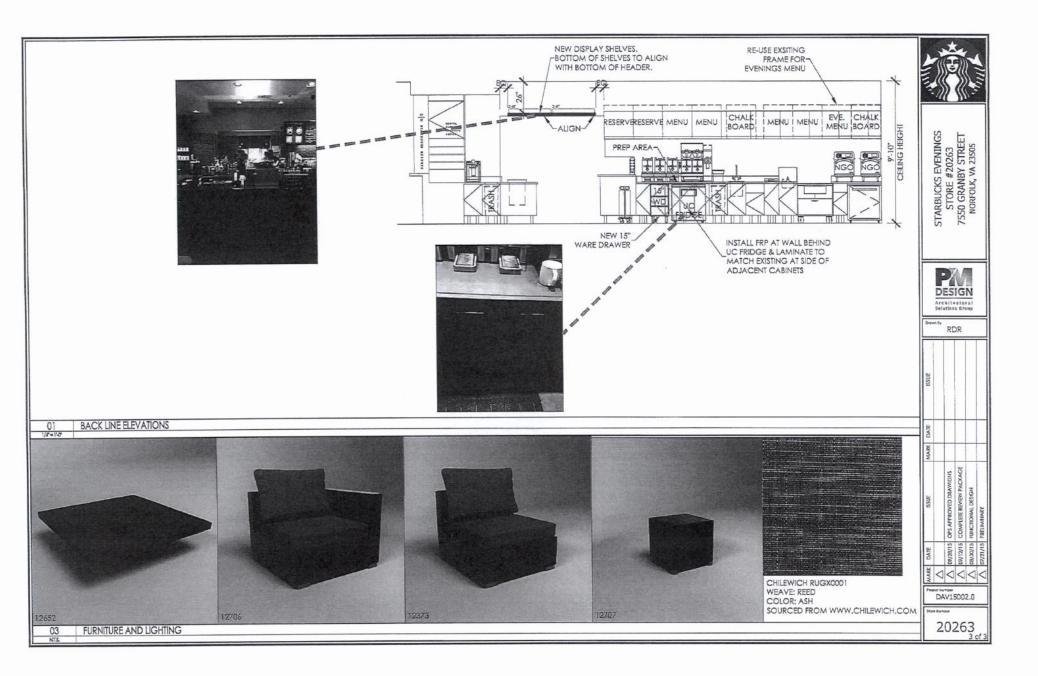
  Print name: Stephanie Meier Sign: Sign: 131-14 / 15 (Date)

  ONLY NEEDED IF APPLICABLE:

#### DEPARTMENT OF CITY PLANNING







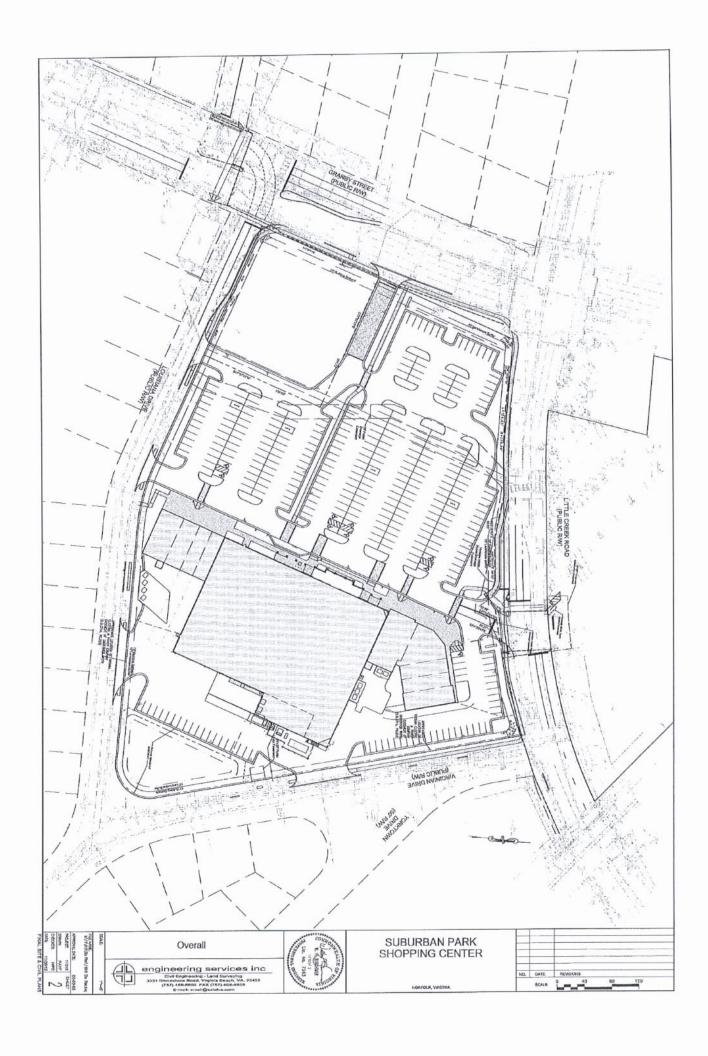


EXHIBIT B

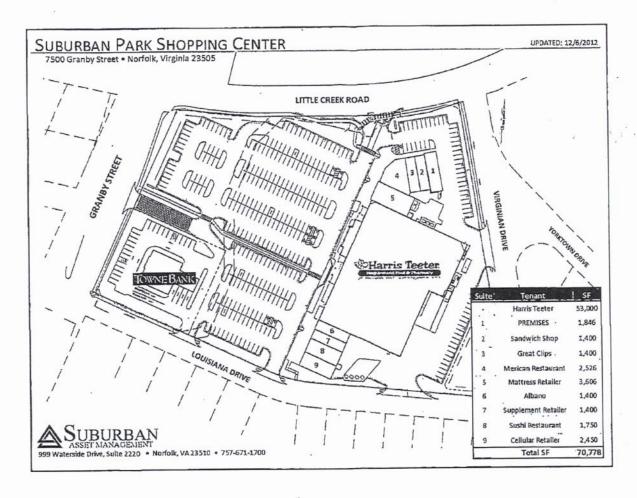
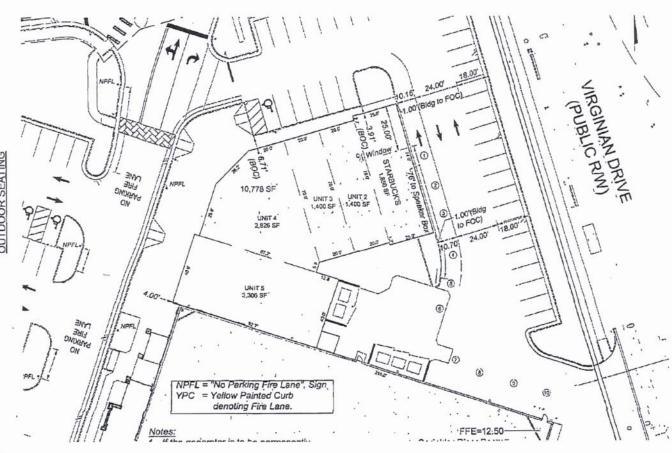
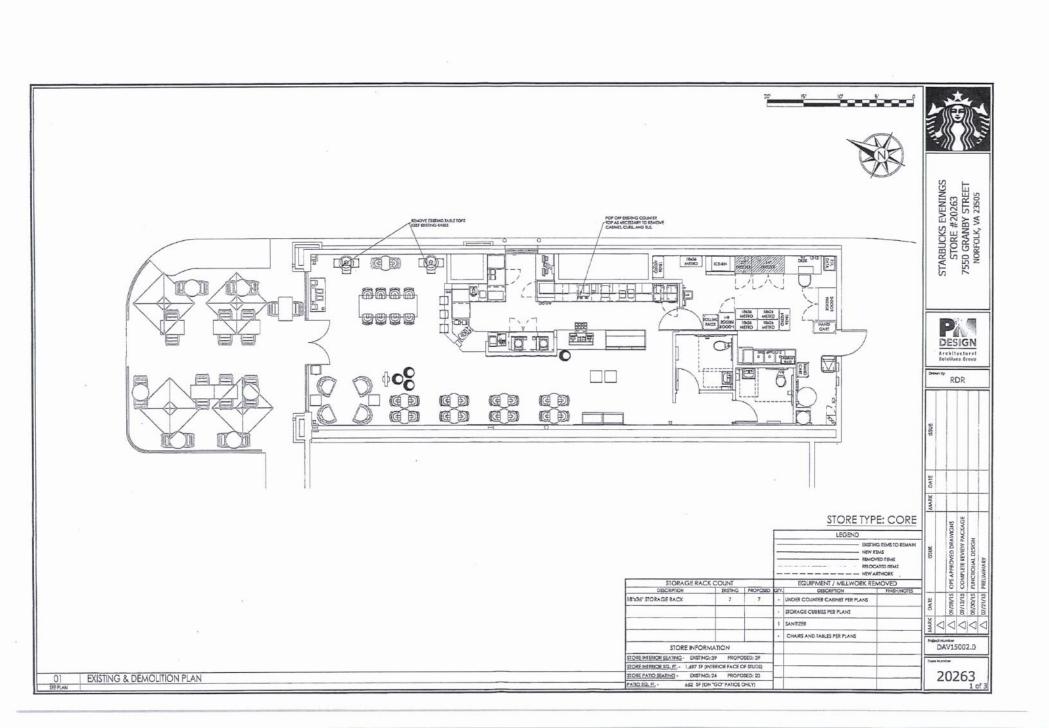


EXHIBIT 8-1

DIAGRAM OF PREMISES, DRIVE THROUGH LANES, PARKING, TRASH ENCLOSURES AND OUTDOOR SEATING



© 2001 Starbucks Corporation
Revise STREUCKS



#### Richards, Sarah

From: Straley, Matthew

Sent: Wednesday, December 16, 2015 11:47 AM

To: saclpresident@gmail.com; ajim.english@gmail.com; gwcaba@cox.net

Cc: Whibley, Terry; Winn, Barclay; Ransom, Carlton; Richards, Sarah

Subject: new Planning Commission application - 7550 Granby Street, Suite 10

Attachments: Starbucks\_WardsCorner.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Mr. Janney, Mr. English, and Ms. Kalfus:

Attached please find the for a special exception to operate an eating and drinking establishment at 7550 Granby Street, Suite 10.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

Thank you.

#### **Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569



# Greater Wards Corner Area Business Association 301 Suburban Parkway Norfolk, Virginia 23505-4224 757-587-7975

January 26th, 2016

Christopher Blough Norfolk Department of City Planning 810 Union Street, Suite 508 Norfolk, Virginia 23510

RE: Starbucks Wards Corner

Dear Mr. Blough;

The Greater Wards Corner Area Business Association fully endorses the application for a liquor license by Starbucks Wards Corner to sell beer and wine. Starbucks has been a welcomed addition to our business community. They have the type of operation that draws the clientele that we in encourage.

The Business Association welcomes the opportunity to assist in the creation of a desirable evening clientele. With the help of the city, the property owners and the merchants Wards Corner is beginning to reestablish itself as a shopping destination.

Most sincerely,

Elyse R. Kalfus, President